ESTTA Tracking number:

ESTTA406033 04/28/2011

Filing date:

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91199139
Party	Defendant Magic Brothers Associate, Incorporated DBA Koi Palace
Correspondence Address	JOSHUA M DALTON BINGHAM MCCUTCHEN LLP 1 FEDERAL ST BOSTON, MA 02110 UNITED STATES rachelle.dubow@bingham.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Lawrence T. Stanley, Jr.
Filer's e-mail	joshua.dalton@bingham.com, lawrence.stanley@bingham.com
Signature	/s/ Lawrence T. Stanley, Jr.
Date	04/28/2011
Attachments	04_28_11_Stipulated Motion to Extend Time to Answer.pdf ( 3 pages )(78620 bytes )

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 77/966557 Published in the Official Gazette of February 22, 2011	)	
Mark: KOI PALACE.	)	
Application Filing Date: March 23, 2010	)	O '4' N
KOI GROUP, INC., Opposer,	) ) )	Opposition No. 91199139
v.	)	
MAGIC BROTHERS ASSOCIATE, INC., Applicant.	) ) )	

## STIPULATED MOTION FOR EXTENSION OF TIME TO FILE ANSWER

The parties, by and through their counsel of record, hereby move and request a sixty-day extension of the deadline to file an Answer in the above-captioned Opposition.

This request reflects the fact that the parties are involved in a pending federal court litigation concerning their respective "Koi"-related marks (Magic Brothers Associate, Inc. v. Koi Group, Inc., C.A. No. CV-10-00973 (C.D. Cal.)), Applicant has filed a Motion to Suspend this Opposition Proceeding pending resolution of the federal court litigation, and the parties are in ongoing settlement communications concerning the federal court action and this action. Indeed, the parties have a mediation scheduled before Magistrate Judge Jacqueline Chooljian of the Central District of California on May 4, 2011.

With grant of the requested extension of time, the Answer in this Opposition Proceeding will be moved from May 3, 2011 to July 5, 2011.

This motion is not being presented for the purpose of mere delay of this proceeding, but rather is being requested to permit the parties time to explore the feasibility of resolving this matter and the federal court litigation and to provide the Board time to rule on Applicant's pending Motion to Suspend.

Counsel for Opposer has indicated that his consent to the extension of time could be stated herein without the need for his corresponding signature.

Respectfully submitted,

Joshua M. Dalton

Lawrence T. Stanley, Jr.

BINGHAM McCUTCHEN LLP

One Federal Street

Boston, MA 02110

(617) 951-8000

Attorneys for Applicant

Magic Brothers Associate, Inc.

Dated: April 28, 2011

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 77/966557 Published in the Official Gazette of February 22, 2011	) )
Mark: KOI PALACE.	)
Application Filing Date: March 23, 2010	) )
KOI GROUP, INC., Opposer,	) Opposition No. ) 91199139 )
v.	)
MAGIC BROTHERS ASSOCIATE, INC., Applicant.	) ) ) _)

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing STIPULATED MOTION FOR EXTENSION OF TIME TO FILE ANSWER and this CERTIFICATE OF SERVICE were duly served upon Opposer by email and U.S. Mail, postage prepaid, on April 27, 2011 to the address set out below:

Marvin Gelfand Weissmann Wolff Bergman Coleman Grodin & Evall, LLP 9665 Wilshire Boulevard, Ninth Floor Beverly Hills, CA 90212 mgelfand@wwllp.com

DATED: Boston, MA, April 28, 2011

By:

Joshua M. Dalton

Lawrence T. Stanley, Jr. Attorneys for Applicant